

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jacqueline Ouzman
Serial No. : 10/586,558
Filed : July 19, 2006
Title : SYNTHESIS OF SPONGOSINE

Art Unit :
Examiner :
Conf. No. : 6455

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-14500

RENEWED PETITION UNDER 37 C.F.R. 1.47(b)

This renewed petition is in response to the decision mailed on July 23, 2009, dismissing the petition filed on January 5, 2009.

Mailing Date of Decision Dismissing Petition and Improper Abandonment of Application

The decision dismissing the petition was emailed to applicant's representative on July 23, 2009. This mailing date of the decision is reflected both on the date our firm received the electronic communication of the decision as well as the mailing date shown in the Office's records (see copy of July 23, 2009, email notification from USPTO attached as "Exhibit A").

The Office appears to have made a significant error regarding the docketing of the mailing of the decision and, accordingly, the date by which applicant must reply. First, the decision contains a date of "29 JAN 2009" stamped in the upper right hand corner of the first page. That date is clearly not reflective of the mailing date, as no communication of the decision was made to applicant until July 23, 2009 (as established in the preceding paragraph). Second, the Office mailed a Notification of Abandonment for the application on August 5, 2009. As the abandonment was mailed within weeks after the July 23rd mailing of the decision dismissing the petition, which decision provided a two month (extendable) response period, this abandonment was clearly in error.

On September 15, 2009, the undersigned spoke with Attorney Bryan Lin (the signatory of the decision dismissing the petition) in the PCT Legal Office about the improper docketing and

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: February 22, 2010

abandonment for this application. Attorney Lin acknowledged that July 23, 2009 was the correct mailing date of the decision, that the response period should be measured from that July 23rd date, and that the application should not have been marked abandoned. Attorney Lin instructed the undersigned that applicant need not take any action to have the abandonment withdrawn (other than responding to the decision according to the response period set by the July 23rd mailing) and stated that he would vacate the improper Notification of Abandonment upon the filing of a grantable renewed petition.

In view of the foregoing, applicant requests that the abandonment for this application be withdrawn upon the granting of this renewed petition.

Response to Dismissal

Subsequent to the receipt of the decision dismissing the petition, we have made further renewed attempts to have Dr. Jacqueline Ouzman, the sole inventor of the application, sign a declaration for the application. In response to those renewed requests, Dr. Ouzman has finally agreed to sign the declaration, a copy of which is enclosed. The enclosed executed inventor's declaration satisfies all requirements of the Notice to File Missing Parts. In view of the inventor's agreement to sign the declaration, all of the issues raised in the decision have been rendered moot and there is no longer a need to satisfy the requirements of 37 C.F.R. 1.47(b). As a result, it is applicant's understanding that the application may now be processed for examination without the need to grant the application status under 37 C.F.R. 1.47(b).

Applicant : Jacqueline Ouzman
Serial No. : 10/586,558
Filed : July 19, 2006
Page : 3 of 3

Attorney's Docket No.: 13425-0194US1 / BV-1092 US

Please apply any charges or credits to Deposit Account No. 06-1050, referencing
Attorney Docket No. 13425-194US1.

Respectfully submitted,

Date: February 22, 2010

/Jack Brennan/

Jack Brennan

Reg. No. 47,443

Fish & Richardson P.C.
601 Lexington Avenue
Floor 52
New York, NY 10022
Telephone: (212) 765-5070
Facsimile: (877) 769-7945

30523539.doc

DECLARATION OF THE INVENTOR

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SYNTHESIS OF SPONGOSINE, the specification of which:

[] is attached hereto.
[X] was filed on July 19, 2006 as Application Serial No. 10/586,558 and was amended on _____.
[X] was described and claimed in PCT International Application No. PCT/GB2005/000183 filed on January 19, 2005 and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
United Kingdom	0401292.8	January 21, 2004	[X] Yes [] No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: JACQUELINE OUZMAN

Inventor's Signature: J. Ouzman

Date: 15/02/10

Residence Address: West Yorkshire, United Kingdom

Citizenship: Great Britain

Post Office Address: 76 Nab Wood Crescent

PLMJS 2 Moseley 1/0 19 JUCCY LAY

Shipley, Bradford-

West Yorkshire BD18 4HY

United Kingdom

Jacqueline

CABR2106

04/2006

04/2006

EXHIBIT A

To: PATDOCTC@fr.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26161

Jul 23, 2009 05:44:16 AM

Dear PAIR Customer:

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 26161 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:

The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
10586558	PET.DEC.OIPE	01/29/2009	13425-194US1 BV-1092 US

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM